

Response

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Serial No.: 10/734,717

Confirmation No.: 2357

Filed: 12 December 2003

For: VARIABLE VALVE APPARATUS AND METHODS

Remarks

The Office Action of 19 April 2007 has been received and reviewed. No claims have been amended, added, or canceled. Therefore, claims 1-9 and 11-30 are pending. Reconsideration and withdrawal of the rejections are respectfully requested as discussed below.

Office Action Inconsistencies

The Office Action of 19 April 2007 appears to contain inconsistencies.

For example, the "Summary" indicates that claims 30 and 32 are allowed while the "Detailed Action" indicates that claims 23-30 are allowed. For purposes of this response, Applicants assume that claims 23-30 are allowed.

Further, the "Summary" indicates that claims 2-9 are objected to while the "Detailed Action" indicates that claims 2-10 are objected to as being dependent on a rejected base claim. For purposes of this response, Applicants assume that claims 2-10 are objected to as being dependent on a rejected base claim.

Drawing Objection

The Examiner reasserted the objection to the drawings under 37 C.F.R. § 1.83(a) as set forth in the Office Action issued on 17 July 2006.

The basis for this objection is believed to lie in a typographical error in a previous version of claim 26. Applicants amended claim 26 to correct that error in the Response filed 24 October 2006. The claim amendment was entered according to the Advisory Action of 6 November 2006.

Applicants submit that the amendment to claim 26 addresses the objection to the drawings as set forth by the Examiner. Specifically, the recited feature is depicted in the figures (*see, e.g.*, Figures 1 and 3A-3D, as described in the specification at p. 6, line 1 to p. 7, line 9 and p. 9, line 31 to p. 10, line 24).

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Reconsideration and withdrawal of the objection to the drawings are, therefore, respectfully requested.

Allowed Claims

Applicants thank the Examiner for notification to the effect that claims 23-30 have been allowed, and that claims 2-10 would be allowed if rewritten in independent form.

The 35 U.S.C. § 101 Rejection

Claims 1 and 11-22 were provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of corresponding claims 10-22 of co-pending Application No. 10/852,642.

Since this is a provisional rejection, and it appears to be the only rejection remaining, reconsideration and withdrawal of the rejection are, therefore, respectfully requested pursuant to M.P.E.P. § 804(I)(B)(2).

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Summary

It is respectfully submitted that the pending claims are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted

By

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20 AUGUST 2007
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CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that this paper is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: **Mail Stop Amendment**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 20th day of August, 2007.

By:  Name: KEVIN W. RAASCH
